

Exhibit 77

CDC to cut one employee for each it is recalling from layoffs

By Eric Katz

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While the Trump administration has walked back a small number of its layoffs in the public health field, it did so only after requiring an equal number of employees to be cut going forward.

The Centers for Disease Control and Prevention on Tuesday brought back around 300 employees it had dismissed through a reduction in force. It will now provide a one-to-one "substitution" to even out the rescinded reductions in force with new cuts, according to an internal email obtained by *Government Executive*.

"These additional substitutions will occur as soon a[s] legally possible in the coming days," said Thomas Nagy, the head of human resources for the Health and Human Services Department.

The email was addressed to Rachel Riley, one of the Department of Government Efficiency representatives at HHS. Nagy was confirming the policy with Matt Buzzelli, CDC's chief of staff.

CDC's RIF rescissions impacted staff at the National Institute for Occupational Safety and Health. It was not clear whether the new cuts will also come from NIOSH or elsewhere within CDC, though NIOSH had few staff remaining after the Trump administration had gutted nearly the entire office. Congress created NIOSH in 1970 to investigate outbreaks and illnesses within the workplace.

An HHS official confirmed the policy and said it was necessary to "maintain the integrity and legality of the RIF." Operating divisions within CDC provided feedback to HHS that they needed specialized workers, but the agency determined it was legally necessary to offset those RIF rescissions.

Those recalled included select units within the Office of the Director; the Respiratory Health Division; the Division of Safety Research; the Division of Compensation and Analysis Support; the National Personal Protective Technology Laboratory; and part of the Division of Field Studies and Surveillance.

NIOSH Director John Howard, who had himself been part of the original layoffs, said in a message to staff he was hopeful that "we can continue to make the case for reinstating everyone" at the agency.

After the employees received their layoff rescission notices on Tuesday, U.S. Judge Irene Berger for the Southern District of West Virginia ruled that HHS violated the law by ending the Coal Workers' Health Surveillance Program and mandated that all employees in NIOSH's Respiratory Health Division be reinstated.

The National Institutes of Health has also recalled employees on a limited basis, according to an official there, and similarly required that a new RIF for each person brought back so the total impacted would remain unchanged.

While HHS suggested it would carry out the new round of cuts as soon as legally possible and in the coming days, the department is currently facing a [separate prohibition](#) on issuing any layoffs as part of a temporary restraining order in another court case. That order is set to last through May 23 but could get extended into a preliminary injunction.

HHS is currently facing a third [lawsuit from 19 states](#) that have argued the department had “no constitutional or statutory authority” to carry out the 10,000 staffing cuts it has so far implemented.

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<https://www.govexec.com/workforce/2025/05/CDC-cut-one-employee-each-it-recalling-layoffs/405336/>